

"Approved by the City Council/Redevelopment Agency Board on October 10, 2007."

**CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA  
September 12, 2007**

The City Council/Agency Board of the City of Westminster, California convened on September 12, 2007 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.  
CLOSED SESSION**

**CALL TO ORDER:**

**ROLL CALL**

PRESENT: RICE, MARSH, FRY, QUACH, TA  
ABSENT: NONE

**CLOSED SESSION:**

The City Council/Redevelopment Agency recessed to a Closed Session at 6:00 p.m. for the following purpose:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b); Anticipated Litigation (one potential case) re. Prisoner Release Intervention Action.
- 2) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 13069-13095 Springdale Street; Agency Negotiator: Executive Director Ray Silver; Negotiating Party: Mellanie Ingle, Giant RV; Under Negotiation: Price and Terms of Payment.
- 3) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Ray Silver and Interim Director of Personnel/Risk Management Chris Birch; Employee Organizations: Westminster Municipal Employees Association (WMEA); Westminster Police Officers' Association (WPOA); and Management/Administrative/Confidential Employees.

**RECESS:** At 6:45 p.m., Mayor/Agency Chair Rice recessed the meeting held in the Council Conference Room.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

The City Council/Redevelopment Agency Meeting reconvened at 7:10 p.m. in the Council Chambers.

**ROLL CALL**

PRESENT: RICE, MARSH, FRY, QUACH, TA  
ABSENT: NONE

**SALUTE TO FLAG:** Council Member Fry

**INVOCATION:** Council Member Ta

**REPORT OUT OF CLOSED SESSION:**

*The Assistant City Attorney stated that the Council discussed City involvement in the Prisoner Release Intervention Action which is the California State Prisoners Association vs State of California. The Council authorized the City to intervene.*

Chief Hall explained that agencies are being forced to release prisoners into the community due to poor conditions in the jail facilities. This intervention will allow Council a chance to voice the concerns of the community.

**SPECIAL PRESENTATIONS - None****The City Clerk Announced Late Communications**

The City Clerk announced Late Communications regarding agenda items that were received in the City Clerk's office following the distribution of the agenda packet:

**Consent Calendar**

- 1.5** Petition containing 231 signatures from residents relative to Rancho Road improvements, received in the City Clerk's office on September 11, 2007.

Memo from staff dated September 12, 2007 addressing the petition received from Westminster Village residents regarding the improvements to Rancho Road, and a tentative time schedule for the execution of such improvements.

**Public Hearings**

- 4.1** Memo dated September 11, 2007 from the City Clerk with recommended amendments to Resolution No. 4105.

**Matters from City Manager/Executive Director**

- 6.3** Memo dated September 11, 2007 from the Interim Director of Human Resources & Risk Management with revisions to Exhibit A of Resolution No. 4106.

Mayor Rice announced the birth of Council Member Tri Ta's second daughter.

**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of August 8, 2007 and August 22, 2007.**

Darrell Nolta, Westminster resident, spoke in regards to the August 8, 2007 minutes. He would like to have the title of the item he spoke on during Oral Communications to be added.

**Motion was made by Mayor Pro Tem/Vice Chair Marsh**, and seconded by Council/Agency Member Quach to amend the August 8, 2007 minutes, in the sixth paragraph on page seven in Oral Communications, adding the description of Item No. 6.2 which says "Rose Center Foundation Request to Restructure their Agreement to have the City manage and operate the Rose Center Theater." The motion carried by a 5-0 vote.

**ROUTINE MATTERS**

**1.2 Proclamation declaring September, 2007 as "National Save a Life Month" in the City of Westminster. (115-00) (07)**

ACTION: Approved.

**1.3 Proclamation declaring September, 2007 as "Childhood Cancer Awareness Month" in the City of Westminster. (115-00) (07)**

ACTION: Approved.

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.4 Award of Contract for Streets Improvements Project for Madison Avenue, Yermo Way, Washington Avenue, Alcester Street, Givens Place, Butte Street, and Sabre Lane. Project Number 16510-071604 (502-01)**

Council Member Fry informed Westminster residents that live on Madison Avenue, Yermo Way, Washington Avenue, Alcester Street, Givens Place, Butte Street, and Sabre Lane that their streets will be under construction within the next year.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Marsh to award a contract to the low qualified and responsive bidder All American Asphalt in the amount of \$359,484.56; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City. The motion carried by a 5-0 vote.

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.5 Award of Contract for Street Improvements Project for Rancho Road from Bolsa Chica to U.S. Navy Railroad, Project Number 55031-001101 (502-01)**

Mayor Pro Tem Marsh requested that staff address the four items listed in the petitions received by Westminster residents, especially item number four pertaining to the project's scope of work.

Marwan Youssef, Public Works Director/City Engineer explained that the Rancho Road Improvements will be from Bolsa Chica Road to the railroad tracks. The project will consist of widening Rancho Road to the north and planting 45 palm trees in the area. He said that this will give the residents easy access to travel westbound on Rancho into their neighborhood. He also explained that the contract will be awarded tonight, the preconstruction meeting will be held on September 19, 2007 and the construction will begin on October 1, 2007.

Mayor Pro Tem Marsh said that the City had received petitions in which the residents stated that construction would be from Bolsa Chica to Spa Drive. He asked Mr. Youssef for clarification.

Mr. Youssef responded by saying that the construction will be from Bolsa Chica to the railroad tracks and that it will not go any further. He explained the reason for not going past the railroad tracks is because of right of way issues. A few years ago, the City began to make improvements on Rancho all the way to Westminster, but the residents on the south side of Rancho did not want the sidewalks and gutters to be that close to their homes, so the City decided not to go that far.

Council Member Quach asked what the anticipated completion date would be.

Mr. Youssef responded by saying that the project would be completed by December 14, 2007. He also said he will contact the person who sent the petitions and will give them more information on the project.

Mayor Rice asked what the City will do to avoid the dirt and dust in the area.

Mr. Youssef responded by saying that they will look into putting grinding material from the street over the dirt where the people are parking on the northeast side of the railroad tracks.

Leo Castonguay, Westminster resident asked the Council whether or not the contractors that will be working on this project are required to pay prevailing wage, whether or not the contractors are required to have legal citizens working for them, and if the City checks legal citizenship of the workers.

Mr. Youssef said that it is a requirement of the State of California for the contractors to pay prevailing wage and the City does check their payroll to ensure that. As for the legal citizenship, the City does not check that.

**Motion was made by Council Member Quach**, and seconded by Council Member Fry to award a contract to the low qualified and responsive bidder, All American Asphalt, in the amount of \$278,433.50, reject all other bids; and authorize the City Manager to execute the contract on behalf of the City. The motion carried by a 5-0 vote.

**1.6 Agreement for Cooperative Project between the City of Westminster and the City of Garden Grove for AHRP (2006-2007) Paving Project on Trask Avenue from Beach Blvd to Newland Street (502-07)**

ACTION: The Mayor and City Council approved the Cooperative Project Agreement with the City of Garden Grove, and authorized the City Manager to execute the agreement on behalf of the City.

**1.7 Notice of Completion for work performed by All American Asphalt, Inc., for CTB 04-05-06 Street Improvements Project at various locations. (deferred from the August 22, 2007 meeting) (502-01)**

ACTION: The Mayor and City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

**1.8 West Orange County Water Board proposed budget for FY 2007-2008 (610-11)**

ACTION: The Mayor and City Council approved the West Orange County Water Board's proposed budget for FY 2007-2008.

**1.9 (City/Agency) Special Counsel for Municipal and Redevelopment Legal Services (502-02)**

ACTION: The Mayor/Chair and City Council/Agency Board authorized a purchase order in the amount of \$50,000 for Best Best & Krieger to provide legal services to the City and Agency.

**WARRANT REGISTER**

- 1.10 (City Council/Redevelopment Agency) Warrant Register dated August 15, 2007 through September 4, 2007 (105-09) (07)**

ACTION: Approved.

**INFORMATION AND REPORTS**

- 1.11 Minutes of the Planning Commission meeting held August 1, 2007 (104-11)**

ACTION: Received and filed.

- 1.12 Treasurer's Report – July 2007 (105-08) (07)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Quach**, and seconded by Council/Agency Member Fry to approve the Consent Calendar with the exception of Item Nos. 1.1, 1.4 and 1.5 which were removed for separate consideration. The motion carried by a 5-0 vote.

**END OF CONSENT CALENDAR****2. ORAL COMMUNICATIONS**

Phil Hodgetts, Westminster resident spoke in regards to conserving energy.

Darrell Nolta, Westminster resident reported that he spoke at the Board of Supervisor's meeting about the spoke on was the power outage during Labor Day weekend. He asked the County to address the issues and to ask Edison to properly maintain their equipment and deliver power to the residents of Orange County. He also spoke on the safety of cyclists and pedestrians, and a recent pedestrian's death. He asked the County to find the suspect who killed her

B.J. Savage, Westminster resident announced the recent deaths of Marines from the 3<sup>rd</sup> Assault Amphibian Battalion. He requested that the Mayor adjourn the meeting in the memory of the Marines and to also hang the flags at half staff. He also reported on the 50th Anniversary events including the recent Sock Hop with the attendance of almost 200 people. He suggested that the City have a wrap up celebration with a New Year's Eve Gala at the Westminster Rose Center. He announced the upcoming Dog Show to be held on September 16, 2007 and the Car Show on October 13, 2007.

Vivian Kirkpatrick-Pilger, Westminster resident, announced the Dog Show that will be held on September 16, 2007 at Sigler Park. She thinks the New Year's Eve Gala is a great idea.

Lupe Fisher, Westminster resident invited everyone to the Day of the Family on September 16, 2007. She reported on the successful outcome of the backpack giveaway at Abrazar.

Sergio Contreras, Westminster resident, congratulated Council Member Ta on the birth of his daughter. He also thanked the Council for their support and contributions to the backpack giveaway.

Gloria Reyes, Abrazar, thanked everyone for the backpack giveaway. She reported that the event raised nearly \$12,000.

Leo Castonguay, Westminster resident, requested that the flags be flown at half staff and suggested that there be a minute of silence during each Council Meeting in the memory of the brave soldiers that have lost their lives.

Crystal Wadsworth, Executive Director of the Westminster Chamber of Commerce, announced the Taste and Tour of Little Saigon that will be held on September 20, 2007 at the Asian Garden Mall.

### **3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

#### **3.1 The actions of the Planning Commission meeting held on September 5, 2007.**

The Community Development Director reviewed the actions of the Planning Commission meeting of September 5, 2007.

- 1) Case 2007-11 Site Plan Review and Design Review regarding development of an industrial building. Location 14411 Edwards Street
- 2) Case 2007-36 Design Review to construct a wireless communication facility. Location: 8341 Westminster Boulevard.
- 3) Determination by the Planning Commission that the City's Capital Improvement Projects are in compliance with the General Plan.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Marsh, to receive and file Item Nos. 1, 2 and 3 of the oral report of the Planning Commission meeting of September 5, 2007. The motion carried by a 5-0 vote.

**4. PUBLIC HEARINGS****4.1 REVIEW OF CASE NO. 2005-21 (ALLEY VACATION, TENTATIVE PARCEL MAP, SITE PLAN, AND DESIGN REVIEW), A REQUEST TO VACATE A PUBLIC ALLEY, CONSOLIDATE 11 LOTS INTO A SINGLE PARCEL AND CONSTRUCT A 14,411 SQUARE FOOT SINGLE STORY RETAIL BUILDING LOCATED AT 7001 WESTMINSTER BOULEVARD (ASSESSOR'S PARCEL NUMBERS: 096-081-, 07, 16, 17, 33, 35, 36, 37 & 38); APPLICANTS: MR. TAB JOHNSON AND MR. JIM SHUEMAKER.; PROPERTY OWNERS: MR. DAVID DUNHAM AND MR. YOSHIO MOTONAGA (201-00) (CN 2005-21)**

Art Bashmakian, Planning Manager gave a PowerPoint presentation on the proposed project.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Tab Johnson, Rich Development Company spoke in favor of the proposed project.

David Dunham, property owner, spoke in favor of the proposed project. He thanked the staff for their hard work on this project.

Mayor Pro Tem Marsh asked Mr. Dunham if the signage will be adequate and that he won't come back at a later date requesting more signage.

Mr. Dunham responded by saying that the signage should be sufficient, but he explained that he is not Walgreens and can't answer for them.

Council Member Quach informed the owner that if Walgreens wishes to have more signage, they would have to come back and apply for a variance.

James Shuemaker, Rich Development Company, spoke in favor of the project and informed the Council that they are willing to comply with their wishes.

Vivian Kirkpatrick-Pilger, Westminster resident, spoke in favor of the project and expressed that she can't wait for the corner to be cleaned up and made useful.

Darrell Nolta, Westminster resident, would like to know what the City is receiving in return for giving up their land? He explained that he supports cleaning up vacant properties.

Mayor Pro Tem Marsh responded by saying that the City will not have the expense of maintaining the alley, it will also allow consolidation and beautification of the parcel.

Mr. Nolta requested that the City take down the billboard on the property.



MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Jonathan Harkins, Westminster resident spoke in opposition to the project on behalf of his grandmother, Sumi Sanders. He stated that they may have a potential opposition at a later date when another project will come into the neighborhood. At that point his grandmother's concern will be the increased flow of traffic, noise and safety.

Mayor Pro Tem Marsh asked Tab Johnson whether or not Walgreens will ask for more signage.

Mr. Johnson responded by saying that Walgreens had agreed to the conditions of approval and did not mention they wanted more signage.

MAYOR RICE CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach,** and seconded by Council Member Ta to:

- 1) Adopt Resolution No. 4103 entitled: "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-21 to consolidate 11 lots into a single parcel, and construct a single story 14,411 square foot retail building located at 7001 Westminster Boulevard (Assessor's Parcel Numbers 096-081-, 07, 16, 17, 33, 35, 36, 37 & 38), in the C2-PD (General Business – Planned Development) District."; and
- 2) Adopt Resolution No. 4105 entitled: "A Resolution of the Mayor and City Council of the City of Westminster declaring its intention to vacate right-of-way pertaining to Parcel Map 2007-111."

Council Member Quach requested that staff add a shopping cart condition to all future retailers.

Mayor Pro Tem Marsh reminded the retailer of the existing shopping cart ordinance.

The City Clerk clarified that the motion includes the amendments to Resolution No. 4105 to include the description of 130 feet on the alley and to change the date of the Public Hearing to October 10, 2007.

The Assistant City Attorney confirmed that there will be another Public Hearing held on Resolution No. 4105 in regards to the alley vacation.

The motion carried by the following vote:

AYES: RICE, MARSH, FRY, QUACH, TA  
NOES: NONE  
ABSENT: NONE

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Council Member Ta congratulated Westminster School Board Member, Sergio Contreras on the organization of the backpack giveaway event. He also spoke about the conference in Sacramento that he attended. He informed everyone that the City of Garden Grove did not approve the proposed casino project.

Mayor Pro Tem Marsh congratulated Council Member Ta on the birth of his daughter. He also commended City staff on the September 11<sup>th</sup> Memorial event.

Council Member Quach and Council Member Fry congratulated Council Member Ta on the birth of his daughter.

Mayor Rice spoke about the Sock Hop that was held on September 8<sup>th</sup>. She also inquired about the parking situation on La Pat and Humboldt.

Associate Civil Engineer, Adolfo Ozaeta responded by saying that he is aware of the situation and the Traffic Division has a traffic study scheduled to assess the situation.

Mayor Rice requested that the situation be taken care of immediately.

### **URGENT ITEM**

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Marsh to bring an item on the agenda as an urgent item, as the matter arose subsequent to the posting of the agenda, and requires immediate action. The motion carried by a 5-0 vote.

Mayor Rice would like to discuss the possibility of having a New Year's Eve Gala at the Westminster Rose Center for the residents of Westminster.

Mayor Pro Tem Marsh inquired as to whether or not this event has been budgeted.

Finance Director, Paul Espinoza confirmed that a New Year's Gala has not been budgeted for the 50<sup>th</sup> Anniversary activities, and that he would need to look into it.

Mayor Pro Tem Marsh suggested that there be a cap put on the event.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Marsh to authorize a cap up to \$3,000 to reserve the Westminster Rose Center for December 31, 2007 to hold a New Year's Eve Gala. The motion carried by a 5-0 vote.

- 5.2 AB 1234 Reports** – Mayor Rice reported on her attendance at the Annual League of California Cities Conference in Sacramento which was held September 5-8, 2007. Council Member Frank Fry, Council Member Tri Ta, the City Manager and Police Chief were also in attendance. She reported that there were more than 2,000 attendees and that they were able to learn more about key legislative issues affecting cities, including climate change, eminent domain, housing and infrastructure.

**5.3 Update on the Status of the Archway on Bolsa Avenue**

Council Member Quach presented a video on the design of the proposed archway in Little Saigon.

Roxanne Chow introduced the design team for the project. She also explained that the City will be responsible for picking the development company.

Mayor Rice asked Ms. Chow if the team is planning on form a 501(c)3.

Ms. Chow responded by saying that the team will form a 501(c)3. She also informed the Council that there will be two arches; one at Bolsa/Magnolia and the second will be at Bolsa/Ward.

Darrell Nolta, Westminster resident expressed his concerns of maintenance of the archway and liability. Mr. Nolta asked the Council if the City will require the organization to have insurance.

Council Member Quach informed Mr. Nolta that the archway will be made of a material that is maintenance free. He also said that the construction company that the City will hire will have insurance to cover any liability of the archway.

**6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

- 6.1 Notice of Completion for work performed by Pouk & Steinle, Inc. for the interconnect installation on Hoover Street from Garden Grove Boulevard to Trask Avenue, Bolsa Avenue from Chestnut Street to Hoover Street, McFadden Avenue from Brookhurst Street to Ward Street, new traffic signal at Brookhurst Street and Bishop Place, and traffic signal modifications at Brookhurst Street and Margo Lane and Goldenwest Street and 21<sup>st</sup> Street. (502-16)**

Council Member Quach announced that he will abstain from voting on this item due to the fact that he lives within 500 feet of one of the mentioned intersections.

Darrell Nolta, Westminster resident spoke in support of this item. He informed the Council that he is happy to have the traffic signal on Brookhurst and Bishop. He feels that this light will help the safety of the community by slowing the traffic on Brookhurst.

**Motion was made by Council Member Ta,** and seconded by Mayor Pro Tem Marsh to:

- 1) Approve a budget transfer of \$935.14 from CIP project Westminster/Olive Signal Modification to the CIP project Brookhurst/Margo Signal Upgrade;
- 2) Authorize an increase of \$7,944.00 to Purchase Order No. 002069 for final payment; and
- 3) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

The motion carried by the following vote:

AYES: RICE, MARSH, FRY, TA  
NOES: NONE  
ABSTAIN: QUACH

**6.2 (City/Agency) Donation for the Westminster Police Officers' Memorial (103-11) (07)**

**Motion was made by Council Member Ta,** and seconded by Mayor Pro Tem Marsh to:

- 1) Approve a budget transfer of \$25,000 from the Redevelopment Budget Contingency Account to the Redevelopment Legislative Special Department Expense Account; and
- 2) Authorize a \$25,000 donation to the Westminster Police Officers' Association for the Construction of the Police Officers' Memorial.

The motion carried by a 5-0 vote.

**6.3 Memorandum of Understanding between the City of Westminster and the Westminster Municipal Employees' Association and Appropriation of Funds. (502-23)**

Mayor Pro Tem Marsh invited Troung Diep to ask any questions that he may have on this item.

Troung Diep, Midway City Sanitary District, asked whether or not the Memorandum of Understanding (MOU) would be retroactive.

City Manager, Ray Silver informed Mr. Diep that it would be effective January 1, 2008 and that the cost to have this benefit will be covered by the employees.

Mayor Pro Tem Marsh read into the record the amendments to Resolution No. 4106 including the addition of Article III, Section 8, the Bilingual provision and Exhibit 1 which was reformatted by deleting the classifications no longer represented, alphabetizing the classifications with incumbents and identifying classifications represented that have no incumbents (vacant and not budgeted).

**Motion was made by Council Member Fry,** and seconded by Council Member Quach to:

- 1) Appropriate \$94,053 for salaries and benefits to the following funds:

<u>Fund No.</u>	<u>Fund Description</u>	<u>Amount</u>
100	General Fund	\$ 21,427
285	Community Development	12,396
210	Gas Tax	5,351
211	Measure M	4,084
216	Traffic Impact	57
220	Municipal Lighting	57
240	CDBG	2,475
275	CS Grant	814
500	Redevelopment Admin	1,980
600	Water Utility	33,580
700	Equipment Replacement	4,008
740	Employee Benefits	238
750	Liability	238
760	Information Systems	1,178
770	Building Maintenance	<u>6,170</u>

Total Budget Adjustment for FY 2007-2008      \$ 94,053

- 2) Adopt Resolution No. 4106 entitled "A Resolution of the Mayor and City Council of the City of Westminster adopting a Memorandum of Understanding between the City of Westminster and the Westminster Municipal Employees' Association" to be effective July 1, 2007 through June 30, 2010.

The motion carried by the following vote:

AYES: RICE, MARSH, FRY, QUACH, TA  
 NOES: NONE  
 ABSENT: NONE

**6.4 Amendment to the Memorandum of Understanding between the City of Westminster and the Westminster Police Officers' Association and Appropriation of Funds. (502-23)**

**Motion was made by Council Member Ta**, and seconded by Mayor Pro Tem Marsh to:

- 1) Appropriate \$19,848 for salaries and benefits to the general fund; and
- 2) Adopt Resolution No. 4107 entitled "A Resolution of the City Council of the City of Westminster amending the Memorandum of Understanding between the City of Westminster and the Westminster Police Officers' Association" to be effective September 12, 2007."

The motion carried by the following vote:

AYES: RICE, MARSH, FRY, QUACH, TA  
NOES: NONE  
ABSENT: NONE

**6.5 Amendment to Contract with the California Public Employees' Retirement System (502-03)**

**Motion was made by Council Member Quach**, and seconded by Council Member Fry to adopt Resolution No. 4108 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting the Intention to Approve an Amendment to the Contract between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Westminster".

The motion carried by the following vote:

AYES: RICE, MARSH, FRY, QUACH, TA  
NOES: NONE  
ABSENT: NONE

**6.6 The City of Westminster Grading Panel's EMS Emergency Transportation Services Contract Award Recommendation.**

Police Chief Andy Hall gave a PowerPoint presentation on the City's EMS Emergency Transportation Services history and Request For Proposals Process.

Mayor Rice asked Chief Hall if CARE Ambulance has experience in operating a staffing model like the City of Westminster.

Chief Hall responded by saying that the City of Westminster has a unique staffing model and invited CARE Ambulance to respond to Mayor Rice.

Bob Barry, CARE Ambulance responded by saying that they serve in the City of Anaheim in which their staffing model is similar to Westminster, but not exactly the same. They staff three shifts in which they serve in house with the Fire Department.

Council Member Fry asked how many units from each company is located specifically within the city limits of Westminster?

Chief Hall responded by saying that there are two within the city and an additional back up. The two locations are Olive/Westminster and Bolsa/ Moran. The units will be Orange County Fire Authority units, but the City will use the Emergency Provider's staff.

Mayor Rice stated that she was disappointed that Pacific Ambulance did not submit the required audited financial statements in the proposal and feels that they should not have even been considered.

Mayor Pro Tem Marsh asked Chief Hall if the bid for Pacific Ambulance was in compliance.

Chief Hall responded by saying that Pacific Ambulance was not in compliance since they did not submit the audited financial statements, but the City continued to accept it and reviewed it. He informed the Council that they used a "may" language verses a "shall" language which allowed them to accept and review the proposal.

Mayor Pro Tem Marsh asked Chief Hall if all three of the ambulance companies were equivalent or if there was a substantial difference on the grading scale?

Chief Hall said that all three ambulance companies were satisfactory, but CARE stood out as the most qualified provider.

Mayor Pro Tem Marsh asked that a representative from each ambulance company come up and answer two scenario questions. The first scenario question would be if Southern California Edison were to go down and the power at the dispatch center goes down, what would be the alternate system. The second scenario is if the dispatch center were to flood what would happen to the emergency calls?

Ray Iskander, Pacific Ambulance responded by saying that every dispatch center for Pacific Ambulance has its own back-up generator. They have a dispatch center in San Diego, Lake Forest and Long Beach. They are redundant systems, which means they are identical to one another and they can access one another. If the phone system, computer system or back-up generator goes down in each one of the locations, the phones are automatically routed at the hub of the phone company itself to a different system. For example if the Lake Forest Dispatch Center has a flood and all systems go down the phones are automatically routed to either the Long Beach or the San Diego offices.

Mayor Pro Tem asked Mr. Iskandler if all the power goes down to all locations, what would be the action plan.

Mr. Iskandler responded by saying that they have gasoline powered generators that would last up to six hours on three gallons of gasoline. He apologized for not submitting the audited financial statements.

Giovanni Chiarella, Shoreline Ambulance responded to Mayor Pro Tem Marsh's questions by saying that Shoreline has a battery powered ups system that will operate the critical systems for two to three hours, then the gasoline powered generator would take over that would last six hours with one tank of fuel. In case of a massive disaster they would have to stop operating as an independent agency and work with the nearest EOC.

Bob Barry, CARE Ambulance responded to Mayor Pro Tem Marsh's questions by informing the Council that they do not use the Edison grid as their primary source of electricity. They co-generate their own electricity off of natural gas which powers about 80% of their needs, including the computer systems, phones and radios. If both the grid and gas go out then there is 1,200 gallons of diesel stored to operate the generate for 96 hours. If that were to go down they have a 24 hour battery backup. If the building were completely unusable then they could go mobile, they have a whole mobile system set up and a mirror system in Santa Fe Springs.

Mayor Pro Tem Marsh asked CARE Ambulance if they had CAAS accreditation?

CARE Ambulance responded by saying yes.

Mayor Rice informed Mayor Pro Tem Marsh that CARE is the only one who has the CAAS accreditation.

Council Member Quach would like to know how the residents feel about the proposed ambulance company, especially the senior citizens. He also explained that he would like to visit the three sites himself before he makes a decision.

Timothy Ngo, Vietnamese American Community of Southern California spoke highly of Shoreline Ambulance and would like to see a company who is as involved in the community as Shoreline is serve as the provider.

Wendy Leeds, YMCA, spoke in support of Shoreline Ambulance. She informed the Council that Shoreline is very involved with the YMCA and that they are highly dependable.

Giovanni Chiarella, Shoreline Ambulance reported on their success of being the City's Emergency Services Provider during the last six months, including the monthly community education classes that they have provided. They have also stocked their ambulance units with state-of-the-art equipment and have responded to over 1,000 emergency calls with no complaints. He requested that



the Council reject staff's recommendation to award the contract to CARE Ambulance.

Amer Meriden, Shoreline Ambulance, informed the Council that he had previously been employed by AMR and that when AMR left the City of Westminster Shoreline offered positions to the former employees. He requested that the Council continue Shoreline's contract.

Bryan Balmer, Shoreline Ambulance, informed the Council that they feel they have succeeded during their term of April 1, 2007 to present as the temporary emergency transportation services provider. He stated that Shoreline's number one priority is customer service. He also stated that they are a big part of the community, in which they have donated money and services to many organizations within the City. They feel they have highly knowledgeable and experienced staff to serve the residents and would like to have the opportunity to provide their services for many years to come in the City of Westminster.

Raymond Iskander, Pacific Ambulance feels that the staff's recommendation is inconclusive and feels there should be an explanation for why staff chose CARE Ambulance. He feels that if CARE Ambulance received extra points for being CAAS Accredited that is unfair due to the fact that it was not a requirement within the RFP. He requested that staff come back to Council with a more detailed reason as to why CARE is the recommendation.

Mayor Pro Tem Marsh asked Mr. Iskander why Bowers Ambulance was not included in Pacific's proposal?

Mr. Iskander responded by saying that it is too difficult to propose two companies at the same time. They mentioned Bowers because the City has access to Bower's due to the fact that they are licensed in Orange County.

Council Member Fry asked what provider serves the City of Huntington Beach?

Roger James, EMS Chief with Orange County Fire Authority, responded that the City of Huntington Beach uses their own City personnel and their own ambulances. He informed the Council that he supports staff's recommendation.

Chuck Dovey, Pacific Ambulance, formerly employed by AMR, informed the Council that when he was employed with AMR it was very difficult to back up the City of Westminster. Half of the incidents they were called to they had to use their mutual aid provider, which was CARE Ambulance. As he helped create the Westminster proposal, he suggested that there be a third dedicated unit to the City of Westminster.

**Motion was made by Council Member Ta**, and seconded by Council Member Fry to defer this item to the September 26<sup>th</sup> meeting.

Mayor Rice suggested that the remaining people have an opportunity to speak on this item.

Crystal Wadsworth, Chamber of Commerce, requested that Council continue the contract with Shoreline Ambulance as the provider within the City. She feels that the Council should listen to the community and what they want. She informed the Council that they are a member of the Chamber of Commerce and are very involved within the community.

Darrell Nolta, Westminster resident, expressed his thoughts that this is a monopoly. He doesn't support CARE Ambulance, but he supports Chief Hall's recommendation. He agrees that the RFP Process was done fairly and that it would be unfair if the Council deferred this item.

Bob Barry, CARE Ambulance, stated that all ambulance providers are involved in the communities that they serve in. He provided information on which providers are in the surrounding cities of Westminster. He informed the Council that CARE already serves the cities of Garden Grove, Fountain Valley, Stanton and Midway City.

Council Member Quach informed the Council that he wants to visit the facilities of the ambulance providers.

Chief Hall expressed his concerns of deferring this item in regards to the impact it has on the current contract with Shoreline Ambulance.

Paul Espinoza, Finance Director informed the Council that the City has already issued Shoreline a 30-day notice of termination of services. There would also be a question in regards to the transition period. If the item is deferred to the 26<sup>th</sup> of September, it would only give the new provider a period of a week for transition. Another concern would be the third party addendum that would need to be approved by the Orange County Fire Authority.

Council Member Fry withdrew his second to the motion.

Steve Sheldon, Pacific Ambulance asked Council to request more information from the staff on this item, including the grading criteria used to make the recommendation.

The Assistant City Attorney stated that the only issue with deferring the item would be the current contract with Shoreline in which expires on September 30<sup>th</sup>.

Mayor Pro Tem Marsh confirmed that the reason for deferral of the item is not for more information to be submitted to staff, but for staff to provide information to the vendors.

Mayor Rice said she would like to see the breakdown of the grading as well.

Chief Hall explained that the grading panel sheets that the Council requested are available for review, but he feels that it isn't the City's obligation to explain their decision to the vendors.

**Motion was made by Council Member Ta**, and seconded by Council Member Quach, to continue the item to the Council Meeting of September 26, 2007 at 7:00 p.m. The motion carried by a 5-0 vote.

Chief Hall asked the Council if there is anything specific that they want from staff pertaining to this item.

They responded by saying that they want the completed rating sheets from the grading panel.

**7. WRITTEN COMMUNICATIONS (Public) – None**

**8. LEGISLATIVE ITEMS - None**

**9. COMMISSION AND COMMITTEE ITEMS**

**9.1 Study of Vehicular and Pedestrian Conditions at Newland Street and 15<sup>th</sup> Street. T.C. 96-100. (Deferred from the August 8, 2007 meeting). (607-02)**

Sandra Castonguay, Westminster resident does not agree with the recommendation. They don't like the fact that they won't be able to make a left hand turn onto 15<sup>th</sup> Street from Newland.

Mayor Rice and Council Member Quach expressed opposition to making left hand turns illegal going onto 15<sup>th</sup> Street from Newland.

Council Member Quach would like to see a crosswalk at Newland/15<sup>th</sup> Street.

Mrs. Castonguay explained that the residents originally wanted a light at Newland/Oasis, but have not seen any development on that. She feels that the change at Newland/15<sup>th</sup> Street is unnecessary.

Mayor Rice would like to have seen a crosswalk with an island in the middle.

Marwan Youssef, Public Works Director/City Engineer, informed Council that the approved light at Newland/Oasis is approximately 90% complete and the City should be able to advertise the project for construction in October. He said that the school has requested that the City do something with the pedestrian movement on 15<sup>th</sup> Street. Mr. Youssef explained that it is not recommended that a crosswalk be installed across Newland Street, and that once the signal is installed at Newland/Oasis, the crossing guard will be placed at 15<sup>th</sup> Street.

Council Member Fry suggested that left turns onto 15<sup>th</sup> Street be allowed, but left turns not be allowed onto Newland from 15<sup>th</sup> Street.

Erwin Vysma, Westminster resident spoke in regards to the traffic signal at Newland/Oasis that was approved a year ago. He wants to know what happened to those plans and when the signal will be installed.

Mr. Youssef explained that one reason there has been a delay in the installation of the signal is because the City tries to combine multiple signals into one order before they submit it.

Mayor Rice asked Mr. Youssef how long it takes to receive the order once the contract has been awarded.

Mr. Youssef informed the Mayor the signal would be delivered within three months after the order has been submitted.

Mary Timpani, Westminster requested that the City leave 15<sup>th</sup> Street the way it is. She stated that the residents use 15<sup>th</sup> Street to commute to the Civic Center. She would like to see the light installed at Newland/Oasis.

Traffic Commissioner Troung Diep informed Council that the Traffic Commission had three options presented by staff to choose from and the recommendation that they have brought to Council is the best solution to the problem on 15<sup>th</sup> Street.

**Motion was made by Mayor Pro Tem Marsh**, and seconded by Council Member Quach to take no action at this time and to proceed in speeding up the development of the street light at Oasis and Newland and to consider what developments to take with regard to a crossing guard or other alterations at 15<sup>th</sup> Street after the new light is in place at Oasis and Newland. The motion carried by a 5-0 vote.

**9.2 Appointment of Alternate Members to the City's Energy Committee (Mayor Pro Tem Marsh and Council Members Fry and Quach Appointees) (104-07)**

**Motion was made by Council Member Fry**, and seconded by Mayor Pro Tem Marsh, to appoint Gilbert Cruz as an alternate member (Council Member Fry's appointee) to the Energy Committee. The motion carried by a 5-0 vote.

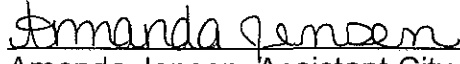
**Motion was made by Mayor Pro Tem Marsh**, and seconded by Council Member Fry, to appoint Dr. George Kuck as an alternate member (Mayor Pro Tem Marsh's appointee) to the Energy Committee. The motion carried by a 5-0 vote.

**Motion was made by Council Member Quach**, and seconded by Council Member Ta, to appoint Tami Bui as an alternate member (Council Member Quach's appointee) to the Energy Committee. The motion carried by a 5-0 vote.

**9.3 Resignation of Tony Lam from the Planning Commission (Mayor Rice Appointee) (104-11)**

**Motion was made by Council Member Fry**, and seconded by Mayor Pro Tem Marsh to accept the resignation of Tony Lam from the Planning Commission effective August 27, 2007, and appoint Bob Bertels to serve on the Planning Commission for a term to expire in November, 2008. The motion carried by a 5-0 vote.

**10. COUNCIL/AGENCY ADJOURNMENT:** At 10:43 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of four Marines from the 3<sup>rd</sup> Assault Amphibian Battalion, Corporal Christopher Poole, Corporal Bryan Scripsick, Staff Sergeant John Stock and Sergeant Michael Yarbrough who lost their lives while conducting combat operations in Iraq.

  
Amanda Jensen, Assistant City Clerk/  
Acting Agency Secretary